

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-5 and 7-11 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

At the outset, it is respectfully requested that the present Amendment should be entered into the official file in view of the fact that the amendments to the claims automatically place the application in condition for allowance. If the Examiner does not agree that the application is in condition for allowance, it is respectfully requested that the present Amendment be entered for the purpose of appeal. The present Amendment does not introduce new issues, but combines claims 1 and 6 as amended claim 1 and claims 1, 3 and 7 as new claim 10. While additional claim 11 has been added, this merely further limits the range of values of b^* .

Acknowledgement of Information Disclosure Statement

The Examiner is respectfully requested to acknowledge the Information Disclosure Statement filed on February 21, 2002. An initialed copy of the PTO 1449 should be sent to the undersigned at the earliest convenience of the Examiner.

Rejection Under 35 U.S.C. § 103

Claims 1, 3 and 4 stand rejected under 35 U.S.C. § 103 as being obvious over Tao et al. (WO 99/60973). This rejection is respectfully traversed.

It is noted that the Examiner comments on claims 6-9 in the first line on page 4 of the action but has not included these claims in the statement of the rejection on page 2. Applicants assume that this is an oversight of the Examiner and that the rejection is meant to apply to claims 6-9 as well. The current Amendment is based on this assumption.

Claim 1 has been amended to include the limitations of claim 6. Claim 10 has been added which is a combination of claims 1, 3 and 7.

First, Applicants disagree that the claims would be obvious over the Tao et al. reference. Claims 1, 4 and 10 all include limitations related to the range of values for various parameters. Thus, L^* has a value of 10 to 93, C^* has a value of 20 to 120 and the light transmittance has a value of 40 to 83%. The Examiner states that it would be obvious to print the designs of Tao et al. so that they have this range of values. Applicants submit that these ranges of the parameters are not obvious except in hindsight after viewing the present invention. The Examiner relies on some generalities that faint hues are not easily distinguishable over white background and that darkly printed hues are not distinguishable from each other. Also, insufficient light transmittance will hinder the visibility of the designs.

Applicants submit that these ranges are not in fact obvious. For example, one might argue that it would be obvious for the light transmittance to be as large as possible so that printing underneath would be seen more easily. In fact,

Applicants have limited the range of light transmittance to be 83% at a maximum, which is counter to what would be obvious. This particular limit is determined because when this range is exceeded, the feel of the material suffers. In a diaper product, the feeling that one gets when touching the product is very important since softness is a desirable attribute in the product. As can be seen, the values of these parameters are not strictly an easy choice since other attributes may be influenced when these values are changed.

As previously discussed, the Examiner is invited to review the examples cited in the specification on pages 5-8 and 10-13. As seen there, when the articles have values of these three parameters within the ranges claimed, they satisfy requirements of print visibility, good texture and feel to the touch. Comparative articles not falling within these ranges do not produce these results.

The Examiner has admitted that the Tao et al. reference remains silent as to these three parameters. The Examiner also admits that the reference does not disclose performing color difference tests on the printed area. The Examiner's reliance on generalized arguments concerning the parameters does not satisfy any requirements for motivation for selecting this range of values. As discussed in the present specification, the combination of the range of values of these three parameters yields products that have suitable attributes not only for visibility of printing, but also for other purposes such as the feel to the touch. Since the prior art does not in any way discuss these other attributes, the selection of the particular ranges is not at all obvious. If the Examiner persists in this rejection, he is requested to state what motivation one skilled in the art would have to select

these ranges. Without such a statement, Applicants submit that claims would not be obvious over this reference.

With regard to claim 3, the Examiner states that the limitation disclosed relates to the nonwoven material prior to lamination. Applicants disagree with this statement. Original claim 3 related to the thickness of the nonwoven material before laminating it. However, amended claim 3 relates only to the basis weight and is not limited to the time prior to lamination. The Examiner is referred to page 7, line 21 of the specification where support for this limitation is found.

In view of this, Applicants submit that independent claims 1, 4 and 10 and the claims that depend therefrom are allowable.

The Examiner rejected claims 2 and 5 as being obvious over Tao et al. as applied above, and further in view of Morman et al. (U.S. Patent 5,883,028). This rejection is respectfully traversed.

In regard to these claims, the Examiner states that page 8, lines 4-9 of the Morman et al. reference show a basis weight of 20 to 40 g/m². Applicants have reviewed these lines and do not find a statement of this basis weight. However, it is noted that column 11, lines 44-46 of the reference describes a basis weight of 15-50 gsm. However, the basis weight of the claims refers to the nonwoven material. In the reference, the basis weight is in reference to a meltblown web which is a layer of polyether ester as mentioned in line 42. It is not clear from this discussion whether this is the same material as the nonwoven material of the present invention. In fact, column 11, lines 35 to 37 seems to indicate that this is an additional layer which is connected to the film 32 before being laminated to a

web 12. Accordingly, Applicants submit that this limitation further defines over the prior art since the Morman et al. reference does not teach this range of weights for the nonwoven material.

In addition to claims 4, 5 and 8-10, Applicants have added new claim 11 to further limit the range of values of b^* . No new issues are presented since merely a narrowing of the range is presented. Thus, in claim 11, the b^* value of 0 has been removed from the range. This narrow range is supported on page 6, line 22 of the specification which says that the preferred value is a minus number up to zero. Since noninclusive language has been included, the value of 0 is removed from the range. This claim is allowable over Tao et al. which does not show this range of values.

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

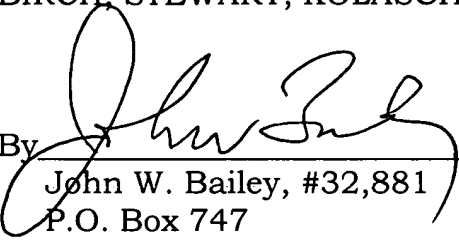
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No.

02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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0445-0295P

Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 6 has been cancelled without prejudice of the subject matter contained therein.

Please amend the claims as follows:

1. (Amended) An absorbent article comprising a liquid-permeable topsheet, a liquid-impermeable backsheet, and a liquid retentive absorbent member interposed between the topsheet and the backsheet, wherein

said backsheet comprises a laminated sheet composed of a breathable film printed with a multicolor pattern and a nonwoven material, the nonwoven material being superposed on the printed side of said film,

the printed area of said film has an L* value of 10 to 93 and a C* value of 20 to 120 as measured with a color difference meter, [and]

said nonwoven material has a light transmittance of 40 to 83%, and

wherein nonprinted background areas on the printed side of said breathable film have a b* value of zero or a negative number.

Claims 10-11 have been added.